

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION

UNITED STATES OF AMERICA	§	
	§	No. 5:21-CR-0007
v.	§	JUDGE SCHROEDER
	§	
DARRELL RENARD WITCHER	§	

**ELEMENTS OF THE OFFENSE**

The essential elements which must be proven beyond a reasonable doubt to establish a violation of the offense charged in the Indictment are as follows:

**Count One**  
**21 U.S.C. § 841(a)(1) and (b)(1)(A)(viii)**

- First:* That the defendant knowingly possessed a controlled substance;
- Second:* That the substance was in fact a mixture or substance containing methamphetamine;
- Third:* That the defendant possessed the substance with the intent to distribute it or did distribute it; and
- Fourth:* That the quantity of the substance was at least five hundred grams.
- Comment:* To “possess with intent to distribute” simply means to possess with intent to deliver or transfer possession of a controlled substance to another person, with or without any financial interest in the transaction.

*Comment:* The government must prove beyond a reasonable doubt that the defendant knew he possessed a controlled substance, but need not prove that the defendant knew what particular controlled substance was involved.

Respectfully submitted,

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### **CERTIFICATE OF SERVICE**

I certify that this has been served on counsel for defendant via the court's CM/ECF system.

/s/ Jonathan R. Hornok  
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